IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 11494 of 2007(R)

PETITIONER:

SURJITH KUMAR, D/O.V.V.GOPI,
PERUNTHOLI HOUSE, CHOODIKOTTA,
MAHE,(PROPRIETOR,KEINIKU,CHICKEN AND FISH MERCHANT
MUNCIPAL MARKET, MAHE).

BY ADV. SRI.R.RAMADAS

RESPONDENTS:

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1. THE COMMISSIONER OF COMMERCIAL TAXES,
THIRUVANANTHAPURAM.

2. THE INTELLIGENCE OFFICER,
SQUAD NO.IV,KOZHIKODE, CAMP AT
MINI CIVIL STATION,VADAKARA.

3. THE SENIOR MANAGER, THE SOUTH INDIAN
BANK LTD,MAIN ROAD, MAHE.

R1&2 BY G.P. SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.11494 of 2007

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Dated this the 15th day of June, 2007.

JUDGMENT

Since adjudication order is passed, it is for the petitioner to challenge the same in appeal before statutory authority. The W.P. is closed leaving freedom to the petitioner to pursue the statutory remedies. There will be direction to respondents 2 and 3 not to encash Bank Guarantee for six weeks to enable the petitioner to file appeal, move for stay and obtain stay orders. However, if no stay orders are produced within six weeks, Bank Guarantee can be encashed and refund will be granted if appeal is allowed.

C.N.RAMACHANDRAN NAIR
Judge

pms